IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17391 of 2004

Between:

K.K. Murthy S/o Ramaiah
E-342552,APSRTC Bus Depot, Medchal, Ranga Reddy district

..... PETITIONER

AND

1 The Depot Manager, APSRTC, Medchal Ranga Reddy District
2 The Secretary APSRTC Employees, Thrift & Credit Cooperative

Society Ltd.,
Satyanarayanareddy Marg, Azamabad, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order, or Direction, more particularly one in nature of Writ of Mandamus to declare the action of the 1st Respondent in recovering the salary of the petitioner without any notice or opportunity contrary to the Letter No. E1/2255(1)/2004-WL-II dt 05-03-2004 of the Depot Manager, Warangal-II Depot and consequently direct the Respondents to conduct the enquiry into the whole matter before passing orders for recovery of Rs.1,89,000/- which was granted for construction of house.

Counsel for the Petitioner:MR.B.SUDHAKAR REDDY & ASSOCIATES

Counsel for the Respondents : P.Rajani, SC for A.P.S.R.T.C.

The Court made the following :

O R D E R:

The petitioner is an employee of the respondent-Corporation. He availed a house building advance to a tune of Rs.1,89,000-00 in the year 2002. The respondent-Corporation issued notices on previous occasions to return the loan amount on the ground that he did not utilize the amount for the construction of the house. The grievance of the petitioner is that though the respondent was deducting Rs.580/- per month suddenly started deducting Rs.3,541-00 since two months without any prior notice or opportunity. On ascertaining he came to know the respondents are deducting a long-term loan amount with penal interest for mis-utlisation of the loan amount. If the deduction is made at the enhanced rate nothing would remain to the petitioner towards salary. He therefore, approached this Court seeking to declare that the action of the first respondent regarding the deduction of the amount from the salary of the petitioner without any notice or opportunity is illegal and contrary to law.

It is an undisputed fact that the petitioner had taken Rs.1,89,000-00 towards house building advance in the year 2002. He did not produce any material to show as to what was the amount that was being deducted from his salary. But his contention is that suddenly the first respondent started deducting Rs.3,541-00 without any prior notice or opportunity. The petitioner concedes that he is liable to pay the amount but he contends that the amount of installment is excessive. The learned counsel for the petitioner further submits that if the petitioner is not furnished with the information about the deduction that is being made with particulars, it would cause prejudice to him.

In the light of the circumstances explained by the petitioner and in view of the fact that the respondents did not issue any notice to the petitioner furnishing the details of the recovery from him, the impugned pay slip for the month of August, 2004 deducting Rs.3,541-00 towards house building advance is set aside. However, the respondents are not precluded from recovering the amount from salary of the petitioner after giving him notice and opportunity about the amount that is worked out towards the principle amount, the interest, and penal interest etc.

Accordingly, the Writ Petition is disposed of. No order as to costs.

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28th September, 2004

Mrb

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Depot Manager, APSRTC, Medchal Ranga Reddy District
2 The Secretary APSRTC Employees, Thrift & Credit Cooperative

Society Ltd.,
Satyanarayanareddy Marg, Azamabad, Hyderabad

3. Two CD copies